

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JERMAINE DUTRIELLE,)	
)	
Petitioner,)	
)	2:10cv147
v.)	Electronic Filing
)	
WARDEN LOCKETT; THE ATTORNEY)	Judge Cercone /
GENERAL OF THE STATE OF)	Magistrate Judge Lenihan
PENNSYLVANIA; and THE DISTRICT)	
ATTORNEY OF THE COUNTY OF)	
WASHINGTON, PA.,)	
)	
Respondents.)	

MEMORANDUM ORDER

On February 1, 2010, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on May 3, 2010 (Document No. 2) recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely and that a certificate of appealability be denied. Petitioner filed Objections to the Report and Recommendation on May 19, 2010 (Document No.. 3).

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered.

AND NOW, this 15th day of June, 2010;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED AS UNTIMELY.**

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Document No.. 2) of Magistrate Judge Lenihan dated May 3, 2010, is **ADOPTED** as the Opinion of the Court.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

A handwritten signature in black ink, appearing to read "D. Cercone", is written over a horizontal line.

David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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